

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

**VIRNETX INC. AND
SCIENCE APPLICATIONS
INTERNATIONAL CORPORATION,**

Plaintiffs,

v.

APPLE INC.

Defendant.

§
§
§
§
§
§
§
§
§
§
§

**Civil Action No. 6:12-cv-855-RWS
LEAD CONSOLIDATED CASE**

JURY TRIAL DEMANDED

**JOINT NOTICE THAT LETTER BRIEFS FILED BEFORE CASE
CONSOLIDATION APPLY TO THE CONSOLIDATED CASES**

VirnetX Inc., Leidos, Inc., and Apple Inc. file this Joint Notice That Letter Briefs Filed Before Case Consolidation Apply To All OfThe Consolidated Cases.

On March 30, 2015, the Court ordered consolidation of Civil Action Nos. 6:10-cv-417 (“the -417 Action”) and 6:12-cv-855 (“the -855 Action”) for trial, with the -855 Action serving as the Lead Case for all filings. On that same day, the Court ordered any additional briefing on dispositive and *Daubert* motions to be completed no later than November 24, 2015, and set a dispositive and *Daubert* motion hearing for 10:00 a.m. on December 17, 2015. The parties later agreed on interim filings deadlines, memorialized in the Fifth Amended Docket Control Order (Dkt. No. 252), providing August 28, 2015, as the deadline to file any additional letter briefs for summary judgment and *Daubert* motions. Before consolidation, on March 20, 2015, following then-presiding Chief Judge Davis’s Docket Control Order in the -855 Action, the Parties filed several letter briefs requesting permission to file dispositive and *Daubert* motions. (Dkt. Nos. 211-217, 223-229 and 237-243.) Those letter briefs remain pending. Unless the Court orders otherwise, the Parties do not intend to refile those letter briefs to ensure that they apply to all

actions in these consolidated cases. Instead, the Parties file this joint notice for the sole purpose of informing the Court of the Parties' intention that, unless otherwise stated, the previously filed letter briefs, as well as any forthcoming requests, relate to both the -855 Action and the -417 Action, and that the requested relief in those letter briefs applies to both actions.

Dated: August 28, 2015

/s/Jason Cassady (by permission)

Bradley W. Caldwell
Texas State Bar No. 24040630
E-mail: bcaldwell@caldwellcc.com
Jason D. Cassady
Texas State Bar No. 24045625
E-mail: jcassady@caldwellcc.com
John Austin Curry
Texas State Bar No. 24059636
E-mail: acurry@caldwellcc.com
Daniel R. Pearson
Texas State Bar No. 24070398
Email: dpearson@caldwellcc.com
Hamad M. Hamad
Texas State Bar No. 24061268
E-mail: hhamad@caldwellcc.com
CALDWELL CASSADY CURRY P.C.
1717 McKinney Ave., Suite 700
Dallas, Texas 75202
Telephone: (214) 810-4705
Telecopier: (214) 481-1757

Robert M. Parker
Texas State Bar No. 15498000
Email: rmparker@pbatyler.com
R. Christopher Bunt
Texas State Bar No. 00787165
Email: rcbunt@pbatyler.com
Charles Ainsworth
Texas State Bar No. 00783521
Email: charley@pbatyler.com
PARKER, BUNT & AINSWORTH, P.C.
100 East Ferguson, Suite 1114
Tyler, Texas 75702
Telephone: (903) 531-3535
Telecopier: (903) 533-9687

Respectfully submitted,

/s/Joseph A. Loy

Gregory S. Arovas
greg.arovas@kirkland.com
Robert A. Appleby
robert.appleby@kirkland.com
Jeanne M. Heffernan
jeanne.heffernan@kirkland.com
Joseph A. Loy
joseph.loy@kirkland.com
KIRKLAND & ELLIS LLP
601 Lexington Avenue
New York, New York 10022
Telephone: (212) 446-4800
Facsimile: (212) 446-4900

Danny L. Williams
State Bar No. 21518050
E-mail: danny@wmalaw.com
WILLIAMS MORGAN P.C.
10333 Richmond, Suite 1100
Houston, Texas 77042
Telephone: (713) 934-7000
Facsimile: (713) 934-7011

Michael E. Jones, *Lead Attorney*
Texas Bar No. 10969400
mikejones@potterminton.com
Allen F. Gardner
Texas Bar No. 24043679
allengardner@potterminton.com
POTTER MINTON
A Professional Corporation
110 N. College Avenue, Suite 500
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

ATTORNEYS FOR APPLE INC.

**ATTORNEYS FOR PLAINTIFF
VIRNETX INC.**

/s/Arturo Padilla (by permission)

Andy Tindel
State Bar No. 20054500
E-mail: atindel@andytindel.com
**MANN, TINDEL & THOMPSON -
ATTORNEYS AT LAW**
112 E. Line, Ste. 304
Tyler, TX 75702
Telephone: (903) 596-0900
Facsimile: (903) 596-0909

Of Counsel:

Donald Urrbazo (*Pro Hac Vice*)
California State Bar No. 489509
Email: donaldu@ulawpc.com
Arturo Padilla (*Pro Hac Vice*)
California State bar No. 188902
Email: apadilla@ulawpc.com
Ronald Wielkopolski (*Pro Hac Vice*)
District of Columbia Bar No. 1013586
Email: rwielkopolski@ulawpc.com
URRABAZO LAW, P.C.
2029 Century Park East, Suite 1370
Los Angeles, CA 90067
Telephone: (310) 388-9099
Facsimile: (310) 388-9088

**ATTORNEYS FOR PLAINTIFF
LEIDOS, INC.**

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via electronic mail on this the 28th day of August 2015.

/s/ Joseph A. Loy

Joseph A. Loy